

REED

"Rotational Function Selectors In Communication
Handset And Methods Therefor"
Atty. Docket No. CS11387

Appl. No. 10/036,839

Examiner L. LE
Art Unit 2684

REMARKS

Request for Reconsideration, Informal Matters & Claims Pending

5 The Official action mailed on 17 March 2003 has been considered carefully. Reconsideration of the claimed invention in view of the amendments above and the discussion below is respectfully requested.

10 Claims 8, 9, 11, 13 and 14 have been amended for improved idiomatic form. The scope of Claim 20 was broadened by amendment to depend directly from base Claim 18.

Claims 3, 6, and 8-9 were indicated as being allowable but stand objected to for dependence on a rejected base or intermediate claim.

Claims 1-21 are pending.

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Allowability of Claims Over Colonna, Courtecuisse & Parsadayan

Rejection Summary

20 Claims 1, 2, 4-5, 7 and 13-17 stand rejected under 35 USC 103 as being unpatentable over U.S. Patent No. 6,115,620 (Colonna) in view of FR 2,679,086 (Courtecuisse) and US 6,317,489 (Parsadayan). Official Action, 17 March 2003, para. 1.

25 Claims 10-12, and 18-21 stand rejected under 35 USC 103 as being unpatentable over Colonna in view of Courtecuisse. Official Action, 17 March 2003, para. 2.

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Argument for Patentability of Independent Claim 1

Regarding Claim 1, the Examiner concedes that Colonna "... fails to disclose ... a rotary encoder having a first encoder portion coupled to the cover and a stationary encoder portion." The Examiner relies upon Parsadayan to support the assertion that it would have been obvious to "... add a rotary encoder to Colonna in order to quickly changes a selected function of the phone by rotating the encoder." The Examiner concedes also that Colonna and Parsadayan "... falls [sic] to disclose ... a blade rotatable in a plane", but contends that it would have been obvious to "... substitute the flip cover of Colonna with the rotating housing element or any rotating blade cover of Courtecuisse"

Contrary to the Examiner's assertion, there is no suggestion in either Colonna or Parsadayan to combine the rotary encoder of Parsadayan with the flip phone of Colonna. The Examiner has not offered any reason, other than hindsight reconstruction, why one skilled in the art would replace the sensor 212 of Colonna with a rotary encoder. The prior art suggest none. Parsadyan is concerned with a security access control apparatus having an incremental rotary encoder equipped knob used to dial up names in a directory. The disclosure of Parsadayan is non-analogous prior art (outside the scope and content of the art) since it is unrelated to a "wireless communication device". Colonna includes a sensor 212 coupled to a hinge to detect the position of the second housing elements 204 relative to the first housing element. Colonna, col. 4, lines 21-25.

There is also no suggestion in Colonna, Parsadayan or Courtecuisse to replace the flip cover (202) of Colonna with the rotary blade of

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5 Courtecuisse. Moreover use of the blade of Courtecuisse in the device of
Colonna would prevent configuration of the device (100) (as illustrated in FIG.
3) of Colonna in a manner that prevents placement of the device near the users
ear when speakerphone mode operation is desired. Colonna, col. 15, lines 6-
14.

Colonna, Parsadayan or Courtecuisse fail to disclose or suggest a
wireless communication handset, comprising

10 ... a blade rotatably coupled to the housing, the blade
rotatable in a plane;

a rotary encoder having a first encoder portion coupled to
the blade and a stationary encoder portion,

15 the rotary encoder having a first active mode function
output when the blade is in the first position,

the rotary encoder having a second active mode function
output when the blade is in the second position.

20 Claim 1 and the claims that depend therefrom are thus patentably
distinguished over Colonna, Parsadayan and Courtecuisse.

Argument for Patentability of Claim 2

Regarding Claim 2, dependent from Claim 1, contrary to the
Examiner's assertion, Colonna, Parsadayan and Courtecuisse fail to suggest

25 ... the wireless communication handset performing a first active
mode function in response to the first handset active mode
function output of the rotary encoder, the wireless communication
handset performing a second active mode function in response to
30 the second active mode function output of the rotary encoder.

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As discussed above in connection with the patentability of Claim 1, there is no suggestion or motivation in the prior art for the combination and/or modifications asserted by the examiner in support of the obviousness rejection. Claim 2 is thus patentably distinguished over the art.

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Argument for Patentability of Claim 4

Regarding Claim 4, dependent from Claim 1, contrary to the Examiner's assertion, Colonna, Parsadayan and Courtecuisse fail to suggest

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... a processor coupled to the rotary encoder, an audio output device coupled to the processor, a first audio output signal of the processor coupled to the audio output device when the blade is in the first position, a second audio output signal of the processor coupled to the audio output device when the blade is in the second position.

15

As discussed above in connection with the patentability of Claim 1, there is no suggestion or motivation in the prior art for the combination and/or modifications asserted by the examiner in support of the obviousness rejection. The prior art fails to suggest providing different audio signals when the blade is in different positions. Claim 4 is thus patentably distinguished over the art.

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Argument for Patentability of Claim 5

Regarding Claim 5, dependent from Claim 1, contrary to the Examiner's assertion, Colonna, Parsadayan and Courtecuisse fail to suggest

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5 ... a tactile output device coupled to the processor, a first tactile output signal of the processor coupled to the tactile output device when the blade is in the first position, a second tactile output signal of the processor coupled to the tactile output device when the blade is in the second position.

10 As discussed above in connection with the patentability of Claim 1, there is no suggestion or motivation in the prior art for the combination and/or modifications asserted by the examiner in support of the obviousness rejection. The prior art fails to suggest providing different tactile signals when the blade is in different positions. Claim 5 is thus patentably distinguished over the art.

15 Argument for Patentability of Claim 7

Regarding Claim 7, dependent from Claim 1, contrary to the Examiner's assertion, Colonna, Parsadayan and Courtecuisse fail to suggest

20 ... the blade rotatable through an angular range, the first and second blade positions separated by an angle within the angular range.

25 As discussed above in connection with the patentability of Claim 1, there is no suggestion or motivation in the prior art for the combination and/or modifications asserted by the examiner in support of the obviousness rejection. The prior art fails to suggest providing different active mode functions when a blade of a communications device is located in different angular positions. Colonna discloses only one active mode function (private

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mode) when the flip is in the position illustrated in FIG. 2. In the position illustrated in FIG. 1 of Colonna, the phone of Colonna is in standby mode, which is not an "active mode". In the position illustrated in FIG. 3 of Colonna, the activation element (230) must be toggled or the sensor (116) must detect a magnetic field to enable speakerphone mode. Colonna, col. 4, lines 44-65, col. 6, lines 30-34, col. 15, lines 4-13. Claim 7 is thus patentably distinguished over the art.

Argument for Patentability of Independent Claim 10

Regarding Claim 10, the Examiner concedes that Colonna "... fails to disclose ... the first and second housing portion rotatable in corresponding first and second substantially parallel planes." The Examiner relies upon Courtessuisse to support the assertion that it would have been obvious to "... substitute the flip cover of Colonna et al with the rotating housing element of Courtecuisse in order to gain access to more functions by circularizing around a wider range of angles ... instead of just 180 degrees."

Contrary to the Examiner's assertion, there is no suggestion in either Colonna or Courtecuisse to replace the flip cover with the rotatable blade of Courtecuisse. The Examiner has not offered any reason, other than hindsight reconstruction, why one skilled in the art would make such a modification to Colonna. The prior art provides no motivation or suggestion for the putative modification. As noted above, use of the blade of Courtecuisse in the device of Colonna would prevent configuration of the device (100) (as illustrated in FIG. 3) of Colonna in a manner that prevents placement of the

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device near the users ear when speakerphone mode operation is desired.
Colonna, col. 15, lines 6-14.

The Examiner's argument that a wider range of angles is required
to access more functions lacks support in the art and fails to provide the
requisite motivation since Colonna controls only 2 modes of operation
(standby mode and private mode) with the position of the flip portion of the
housing. The third (speakerphone) mode in Colonna is enabled only upon
toggling the activation button (230) or detecting a magnet field with the EM
sensor (116). Colonna, col. 4, lines 44-65, col. 6, line 30-34, col. 15, lines 6-14.

Colonna and Courtecuisse thus fail to disclose or suggest a
wireless communication handset, comprising

... the first and second housing portions rotatable in
corresponding first and second substantially parallel planes;

the wireless communication handset in a standby mode
when the first and second housing portions are rotated to a
standby angular configuration,

the wireless communication handset in a call mode when
the first and second housing portions are rotated from the standby
angular configuration to a call angular configuration,

the wireless communication handset performing a first
function when the first and second housing portions are rotated to
a first function angular configuration between the standby and
call angular configurations.

Claim 10 and the claims that depend therefrom are thus patentably
distinguished over Colonna, Parsadayan and Courtecuisse.

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Argument for Patentability of Claim 11

Regarding Claim 11, dependent from Claim 10, contrary to the
Examiner's assertion, Colonna and Courtecuisse fail to suggest

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... the wireless communication handset performing a second
active mode function when the first and second housing portions
are rotated to a second angular configuration between the standby
and call angular configurations .

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Contrary to the Examiner's assertion, other than standby and
privates modes, Colonna discloses only a speakerphone mode controlled by
the activation switch (230) or the EM sensor (116), as discussed above. Claim
11 is thus patentably distinguished over the art.

15

Argument for Patentability of Claim 12

Regarding Claim 12, dependent from Claim 10, contrary to the
Examiner's assertion, Colonna and Courtecuisse fail to suggest

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... the first and second housing portions are at least partially
overlapping in the standby angular configuration, the first and
second housing portions are separated by approximately 180
degrees when the first and second housing portions are in the call
angular configuration.

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Contrary to the Examiner's assertion, Colonna and Courtecuisse
do not disclose or suggest the limitations of Claim 12 alone or in combination

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with the limitations of base Claim 10. Claim 12 is thus patentably distinguished over the art.

Argument for Patentability of Claim 13

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Regarding Claim 13, dependent from Claim 10, contrary to the Examiner's assertion, Colonna, Parsadayan and Courtecuisse fail to suggest

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... a rotary encoder having a first encoder portion coupled to the first housing portion and a second encoder portion coupled to the second housing portion,

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the rotary encoder having a standby mode electrical output when the first and second housing portions are in the standby angular configuration,

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the rotary encoder having a call mode electrical output when the first and second housing portions are in the call angular configuration,

the rotary encoder having a first function electrical output when the first and second housing portions are in the first function angular configuration.

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As discussed above in connection with the patentability of Claim 1, there is no suggestion or motivation in the prior art to replace the position sensor (112) of Colonna with the encoder of Parsadayan as asserted by the Examiner in support of the obviousness rejection. Claim 13 is thus patentably distinguished over the art.

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Argument for Patentability of Claim 14

Regarding Claim 14, dependent from Claim 10, contrary to the
Examiner's assertion, Colonna, Parsadayan and Courtecuisse fail to suggest

5 ... the standby mode electrical output of the rotary encoder
coupled to the processor when the first and second housing
portions are in the standby angular configuration,

10 the call mode electrical output of the rotary encoder coupled
to the processor when the first and second housing portions are in
the call angular configuration,

15 the first function electrical output of the rotary encoder
coupled to the processor when the first and second housing
portions are in the first function angular configuration.

20 There is no suggestion or motivation in the prior art to replace the
position sensor (112) of Colonna with the encoder of Parsadayan as asserted by
the Examiner in support of the obviousness rejection. Claim 14 is thus
patentably distinguished over the art.

Argument for Patentability of Independent Claim 15

25 Regarding Claim 15, contrary to the Examiner's assertion,
Colonna, Parsadayan and Courtecuisse fail to disclose or suggest a wireless
communication device operable in active and standby modes, comprising:

30 ... a rotatable member rotatably coupled to the housing,
a rotary encoder having a first encoder portion coupled to
the rotatable member and a stationary encoder portion;
the rotary encoder encoding a first active mode function
output when the rotatable member is positioned in a first position

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relative to the housing and the wireless communication device is
not in the standby mode,

the rotary encoder encoding a second active mode function
output when the rotatable member is positioned in a second
position relative to the housing and the wireless communication
device is not in the standby mode.

In Colonna, the sensor (112) does not encode a second active mode
function output since the activation switch (230) must be toggled or the EM
sensor (116) must sense the magnetic field to operate the speakerphone mode.
Colonna, col. 4, lines 44-65, col. 6, line 30-34, col. 15, lines 6-14. Also, as noted
above, the Examiner offers no reason for the alleged modification to Colonna.
Claim 15 is thus patentably distinguished over Colonna, Parsadayan and
Courtecuisse.

Argument for Patentability of Claim 16

Regarding Claim 16, dependent from Claim 15, contrary to the
Examiner's assertion, Colonna, Parsadayan and Courtecuisse fail to suggest

... the first active mode function output of the rotary encoder
coupled to the processor when the rotatable member is in the first
position, the second active mode function output of the rotary
encoder coupled to the processor when the rotatable member is in
the second position.

As noted above, the Examiner offers no reason for the alleged modification to
Colonna. Claim 16 is thus patentably distinguished over the art.

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Argument for Patentability of Claim 17

Regarding Claim 17, dependent from Claim 15, contrary to the
Examiner's assertion, Colonna, Parsadayan and Courtecuisse fail to suggest

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... rotatable member position alignment members disposed on the
rotatable member and the housing portion.

As noted above, the Examiner offers no reason for the asserted modification of
Colonna. Claim 17 is thus patentably distinguished over the art.

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Argument for Patentability of independent Claim 18

Regarding Claim 18, contrary to the Examiner's assertion,
Colonna and Courtecuisse fail to suggest a method in a communication
handset having a blade rotatably coupled to a housing, comprising:

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... transitioning the communication handset from a stand-
by operating mode to an active operating mode by rotating the
blade in a plane relative to the housing from a standby mode
position to an active mode position;

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invoking a first function of the communication handset by
rotating the blade to a first position different than the active mode
and standby mode positions;

25

transitioning the communication handset to the stand-by
mode by rotating the blade to the standby mode position from
some other position.

Colonna does not invoke "... a first function of the communication handset by
rotating the blade to a first position different than the active mode and standby
mode positions...." As noted, in Colonna, the sensor (112) does not encode a

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second active mode function output since the activation switch (230) must be toggled or the EM sensor (116) must sense the magnetic field to operate the speakerphone mode. Colonna, col. 4, lines 44-65, col. 6, line 30-34, col. 15, lines 6-14. Also, there is no suggestion to replace the flip cover of Colonna with the blade of Courtecuisse. Claim 18 is thus patentably distinguished over Colonna and Courtecuisse.

Argument for Patentability of Claim 19

Regarding Claim 19, dependent from Claim 18, contrary to the Examiner's assertion, Colonna and Courtecuisse fail to suggest

... invoking a second function of the communication handset by rotating the blade to a second position.

As noted above, in Colonna, the flip does not invoke any function other than private mode and standby mode. The activation button must be activated or the EM sensor must detect a magnetic field. Also, no reason has been established for the putative modification of Colonna. Claim 19 is thus patentably distinguished over the art.

Argument for Patentability of Claim 20

Regarding Claim 20, dependent from Claim 18, contrary to the Examiner's assertion, Colonna and Courtecuisse fail to suggest

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... indicating the position of the blade relative to the housing by providing a physical sensation when the blade is the respective positions.

5 Neither Colonna nor Courtecuisse disclose or suggest providing a physical sensation indicating the position of the blade. Moreover, the Examiner offers no reason for the alleged modification to Colonna. Claim 20 is thus patentably distinguished over the art.

10 Argument for Patentability of independent Claim 21

Regarding Claim 21, contrary to the Examiner's assertion, Colonna and Courtecuisse fail to suggest a wireless communication handset, comprising:

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... first and second rotatably coupled housing portions,
the first and second housing portions rotatable in
corresponding first and second substantially parallel planes;

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the wireless communications handset in a first operating
mode when the first and second housing portions are rotated to a
first angular configuration,

25

the wireless communications handset in a second operating
mode when the first and second housing portions are rotated to a
second angular configuration,

the wireless communications handset in a third operating
mode when the first and second housing portions are rotated to a
third angular configuration.

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The Examiner has not offered any reason why one skill in the art would be motivated to replace the flip cover of Colonna with the blade of Courtecuisse. As noted above, the putative combination would likely render Colonna

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inoperative since the blade would prevent configuration of the device (100) (as
illustrated in FIG. 3) of Colonna in a manner that prevents placement of the
device near the users ear when speakerphone mode operation is desired.
Colonna, col. 15, lines 6-14. The Examiner's alleged combination thus appears
to be motivated only by hindsight, a practice admonished repeatedly by the
Board of Patent Appeals & Interferences. Claim 21 is thus patentably
distinguished over the art.

Prayer for Relief

In view of the amendments and the discussion above, the Claims
of the present application are in condition for allowance. Kindly withdraw any
rejections and objections and allow this application to issue as a United States
Patent without further delay.

The Applicant requests a telephone interview with the Examiner
in connection with the present response. Kindly contact the undersigned upon
carefully reviewing the foregoing amendment and discussion, prior to
preparing an official action in response thereto.

Respectfully submitted,



ROLAND K. BOWLER II 17 JUNE 2003
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